



Reprinted
March 1, 2005

SENATE BILL No. 279

DIGEST OF SB 279 (Updated February 28, 2005 7:48 pm - DI 52)

Citations Affected: IC 13-11; IC 13-19; IC 13-20; noncode.

Synopsis: Environmental restrictions. Provides that good character requirements apply only to an application for the issuance or transfer of a permit for a solid waste processing facility, solid waste disposal facility, or hazardous waste facility. Excepts from the requirements certain entities that already hold permits, but limits the exception in certain cases where ownership interests change. Expands the definition of solid waste processing facility. With respect to requirements to demonstrate local or regional need for applications for permits for certain solid waste facilities, excepts certain limited liability companies from the requirements and applies the requirements to solid waste disposal facilities instead of solid waste management facilities. Repeals certain requirements concerning the submission of disclosure statements by solid waste operators and responsible parties, and the posting of surety bonds by nonresident operators.

Effective: July 1, 2005.

Gard

January 6, 2005, read first time and referred to Committee on Energy and Environmental Affairs.

February 22, 2005, amended, reported favorably — Do Pass.

February 28, 2005, read second time, amended, ordered engrossed.

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SB 279—LS 6731/DI 52+



Reprinted
March 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 279

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) "Applicant", for
3 purposes of IC 13-19-4, means an individual, a corporation, a limited
4 liability company, a partnership, or a business association that:

5 (1) receives, for commercial purposes, solid or hazardous waste
6 generated offsite for storage, treatment, processing, or disposal;
7 and

8 (2) applies for the issuance ~~renewal~~, or transfer or major
9 ~~modification~~ of a permit described in IC 13-15-1-3 other than a
10 post-closure permit or an emergency permit.

11 (b) "Applicant", for purposes of IC 13-20-2, means an individual, a
12 corporation, a limited liability company, a partnership, or a business
13 association that applies for an original permit for the construction or
14 operation of a landfill.

15 (c) For purposes of subsection (a), "applicant" does not include an
16 individual, a corporation, a limited liability company, a partnership, or
17 a business association that:

SB 279—LS 6731/DI 52+



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- (1) generates solid or hazardous waste; and
- (2) stores, treats, processes, or disposes of the solid or hazardous waste at a site that is:
 - (A) owned by the individual, corporation, partnership, or business association; and
 - (B) limited to the storage, treatment, processing, or disposal of solid or hazardous waste generated by that individual, corporation, limited liability company, partnership, or business association.

SECTION 2. IC 13-11-2-206 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 206. "Solid waste disposal facility", for purposes of IC 13-19-3-8.2, **IC 13-19-4**, IC 13-20-4, and IC 13-20-6, means a facility at which solid waste is:

- (1) deposited on or beneath the surface of the ground as an intended place of final location; or
- (2) incinerated.

SECTION 3. IC 13-11-2-212 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 212. (a) "Solid waste processing facility", for purposes of IC 13-19-3-8.2, **IC 13-19-4**, **IC 13-20-1**, IC 13-20-4, and IC 13-20-6, means a facility at which at least one (1) of the following is located:

- (1) A solid waste incinerator.
- (2) A transfer station.
- (3) A solid waste baler.
- (4) A solid waste shredder.
- (5) A resource recovery system.
- (6) A composting facility.
- (7) A garbage grinding system.
- (8) A medical or an infectious waste treatment facility.**
- (9) A solid waste solidification facility that is not located on a landfill.**
- (10) A facility that uses plasma arc or another source of heat to treat solid waste.**

(b) The term does not include a facility or operation that generates solid waste.

SECTION 4. IC 13-19-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) Except as provided in section 8(e) of this chapter**, this chapter does not apply to:

- (1) an applicant for a transfer stations station permit that holds a permit for and continuously operates; or**
- (2) the transfer of a permit for a transfer station to an**

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1 applicant that holds a permit for and is operating;
 2 a transfer station, solid waste disposal facility, or hazardous waste
 3 facility in Indiana after December 31, 2004.

4 (b) Except as provided in section 8(e) of this chapter, this
 5 chapter does not apply to:

6 (1) an applicant for a permit for a solid waste disposal facility
 7 or hazardous waste facility that holds a permit for and
 8 continuously operates; or

9 (2) the transfer of a permit for a solid waste disposal facility
 10 to an applicant that holds a permit for and is operating;
 11 a solid waste disposal facility or hazardous waste facility in Indiana
 12 after December 31, 2004.

13 SECTION 5. IC 13-19-4-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. Before an
 15 application for the issuance ~~renewal; or transfer or major modification~~
 16 of a permit ~~described in IC 13-15-1-3~~ **for a solid waste processing**
 17 **facility, solid waste disposal facility, or hazardous waste facility**
 18 may be granted, the applicant and each person who is a responsible
 19 party with respect to the applicant must submit to the department:

20 (1) a disclosure statement that:

21 (A) meets the requirements set forth in section 3(a) of this
 22 chapter; and

23 (B) is executed under section 3(b) of this chapter; or

24 (2) all of the following information:

25 (A) The information concerning legal proceedings that:

26 (i) is required under Section 13 or 15(d) of the federal
 27 Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);
 28 and

29 (ii) the applicant or responsible party has reported under
 30 form 10-K.

31 (B) A description of all judgments that:

32 (i) have been entered against the applicant or responsible
 33 party in a proceeding described in section 3(a)(3) of this
 34 chapter; and

35 (ii) have imposed upon the applicant or responsible party a
 36 fine or penalty described in section 3(a)(3)(A) of this
 37 chapter.

38 (C) A description of all judgments of conviction entered
 39 against the applicant or responsible party within five (5) years
 40 before the date of submission of the application for the
 41 violation of any state or federal environmental protection law.

42 SECTION 6. IC 13-19-4-8 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section does not apply to the transfer of ownership of a facility from a permittee whose business derives less than fifty percent (50%) of its gross revenue from the management of solid waste to a prospective owner whose business derives less than fifty percent (50%) of its gross revenue from the management of solid waste.

(b) If there is a prospective change of **the entire ownership interest** in a facility for which a permit described in IC 13-15-1-3 is required, the prospective owner, at least one hundred eighty (180) days before the proposed change in ownership, ~~may~~ **shall** submit to the commissioner a disclosure statement that:

(1) includes the information required by section 3(a) of this chapter; and

(2) was executed under section 3(b) of this chapter.

(c) The commissioner:

(1) shall review the disclosure statement **submitted under subsection (b)**; and

(2) may investigate and verify the information set forth in the disclosure statement.

(d) If the commissioner determines that:

(1) the information disclosed by the disclosure statement **submitted under subsection (b)**; and

(2) any investigation by the commissioner;

would require the commissioner to deny the prospective owner's permit application if the prospective owner were applying for a permit under section 2 of this chapter, the commissioner shall disapprove the transfer of ownership of the facility to the prospective owner.

(e) If:

(1) **subsection (b) does not apply; and**

(2) **there is a change of at least fifty percent (50%) ownership control of an entity that holds a permit described in IC 13-15-1-3, including an entity referred to in section 1 of this chapter (other than an entity referred to in subsection (a));**

the entity must, not later than thirty (30) days after the change of ownership control is completed, submit to the department the disclosure statement referred to in subsection (b).

(f) The commissioner:

(1) shall review the disclosure statement submitted under subsection (e); and

(2) may investigate and verify the information set forth in the disclosure statement.

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(g) If the commissioner determines:

(1) that:

(A) the information disclosed by the disclosure statement submitted under subsection (e); and

(B) any investigation by the commissioner;

would require the commissioner to deny an application for a permit described in IC 13-15-1-3 if the entity that submits the disclosure statement were applying for a permit under section 2 of this chapter; or

(2) an entity failed to submit to the department a timely disclosure statement under subsection (e);

the commissioner shall revoke any permit described in IC 13-15-1-3 held by the entity.

SECTION 7. IC 13-20-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter does not apply to an individual, a corporation, a partnership, a **limited liability company**, or a business association that in its regular business activity:

(1) produces solid waste as a byproduct of or incidental to its regular business activity; ~~and~~

(2) disposes of the solid waste at a site that is:

(A) owned by the individual, corporation, partnership, **limited liability company**, or business association; and

(B) limited to use by that individual, corporation, partnership, **limited liability company**, or business association for the disposal of solid waste produced by:

(i) that individual, corporation, partnership, **limited liability company**, or business association; or

(ii) a subsidiary of an entity referred to in item (i).

SECTION 8. IC 13-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person that applies for a permit ~~described in IC 13-15-1-3 that concerns a solid waste management facility~~ **for a solid waste disposal facility or a solid waste processing facility, except a transfer station**, must demonstrate that there is a local or regional need in Indiana for the facility.

SECTION 9. IC 13-20-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. A person that applies for a permit referred to in section 2 of this chapter must submit the following information to the department along with the permit application:

(1) A description of the area that would be served by the solid waste ~~management~~ **disposal** facility.

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(2) A description of existing solid waste management facilities in the area that would be served by the solid waste ~~management~~ **disposal** facility.

(3) A description of the need that would be fulfilled by constructing the solid waste ~~management~~ **disposal** facility.

SECTION 10. IC 13-20-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. If the department determines that there is not a local or regional need in Indiana for the solid waste ~~management~~ **disposal** facility, the person referred to in section 2 of this chapter may not receive a permit described under IC 13-15-1-3 of this chapter. If a permit is denied under this ~~subsection;~~ **section**, the department must provide the person referred to in section 2 of this chapter with a statement describing the reasons the department denied the permit.

SECTION 11. IC 13-20-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) This section applies to the transportation of municipal waste from solid waste processing facilities.

(b) A shipment of municipal waste in a municipal waste collection and transportation vehicle must be accompanied by a municipal waste transportation manifest.

(c) A manifest required under subsection (b) must include the following information:

(1) The amount in tons of municipal waste transported in the vehicle.

(2) The name and address of the solid waste processing facility from which the municipal waste is transported.

(3) The destination of the municipal waste.

(4) The name of the person transporting the municipal waste.

~~(5) If the municipal waste is transported from a transfer station that receives municipal waste, the identity of and acknowledgement number issued by the department under IC 13-20-6-5 or IC 13-7-10.5-14 (before its repeal) to the following:~~

~~(A) The transporter of the municipal waste;~~

~~(B) The transfer station from which the municipal waste is transported;~~

~~(C) A broker involved in the transportation of the municipal waste;~~

(d) The owner or operator of the solid waste processing facility from which municipal waste is to be transported shall:

(1) prepare the manifest required by subsection (b); and

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(2) deliver the manifest to the operator of the vehicle.

(e) The operator of the vehicle shall:

(1) carry the manifest while transporting the municipal waste; and

(2) present the manifest to the owner or operator of the facility to which the municipal waste is transported.

(f) The owner or operator of the facility to which the municipal waste is transported shall:

(1) retain each manifest for one (1) year; and

(2) send one (1) copy of each manifest to the department not later than three (3) months after receiving a manifest for at least one

(1) year.

SECTION 12. IC 13-20-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The commissioner may, by order, do the following:

(1) Suspend the waste transfer activities of an operator who is not a resident of Indiana if the operator is not properly licensed, certified, or permitted to conduct waste transfer activities in another state in which the operator does business.

(2) Suspend the waste transfer activities of a transfer station that does not meet the requirements of the inspection program established under section 7 of this chapter.

(b) An order issued by the commissioner under this section requiring an operator or transfer station to suspend operations must contain the date by which waste transfer activities must be suspended.

(c) After issuing an order requiring an operator or transfer station to suspend waste transfer activities but before the date by which the activities must be suspended, the department must provide notice by certified mail, return receipt requested, to the following:

(1) Each regulated solid waste processing facility in Indiana.

(2) Each regulated solid waste disposal facility in Indiana.

~~(3) Each broker and transporter that has submitted a disclosure statement under section 2 of this chapter.~~

(d) The notice described under subsection (c) must contain the following:

(1) The name of the operator or transfer station subject to the order.

(2) The date on which waste transfer activities are suspended under the order.

~~(3) The acknowledgement number issued to the operator under section 5 of this chapter.~~

~~(4)~~ (3) If the order applies to a transfer station, the location of the transfer station.

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(e) Upon a determination by the commissioner that an operator previously ordered to suspend waste transfer activities may engage again in waste transfer activities, the department shall immediately provide notice by certified mail, return receipt requested, to each:

- (1) regulated solid waste processing facility in Indiana; **and**
- (2) regulated solid waste disposal facility in Indiana; **and**
- ~~(3) broker and transporter that submitted a disclosure statement under section 2 of this chapter;~~

that the operator or transfer station will be allowed to resume waste transfer activities. The notice required under this subsection must contain the date on which the operator or transfer station will be allowed to resume waste transfer activities

SECTION 13. IC 13-20-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) An operator who is not a resident of Indiana or a transfer station may not engage in waste transfer activities while the operator or transfer station is suspended from engaging in waste transfer activities under section ~~3~~ or 4 of this chapter.

(b) On or after the effective date established under a rule adopted by the board, a solid waste disposal facility or a solid waste processing facility located inside Indiana may not knowingly accept municipal waste from a transfer station located inside of or outside of Indiana that receives municipal waste if:

- (1) the municipal waste is not accompanied by a manifest that contains the information required under IC 13-20-4-7; or
- (2) the person who manages the solid waste disposal facility or solid waste processing facility has received notice under section 4(c) of this chapter that:

(A) the transfer station that shipped the municipal waste; or

(B) an operator listed on the manifest;

has been suspended from engaging in waste transfer activities under this chapter.

SECTION 14. [EFFECTIVE JULY 1, 2005] (a) **For purposes of this SECTION:**

(1) "incinerator" has the meaning set forth in IC 13-11-2-106; **and**

(2) "solid waste processing facility" has the meaning set forth in IC 13-11-2-212.

(b) **329 IAC 11-9-5 is void to the extent that the rule applies to solid waste processing facilities, except incinerators.**

(c) **The solid waste management board shall amend 329 IAC 11-9-5 so that the rule is consistent with subsection (b).**

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1 SECTION 15. THE FOLLOWING ARE REPEALED [EFFECTIVE
2 JULY 1, 2005]: IC 13-11-2-210; IC 13-20-6-2; IC 13-20-6-3;
3 IC 13-20-6-5; IC 13-20-6-6.

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COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) "Applicant", for purposes of IC 13-19-4, means an individual, a corporation, a limited liability company, a partnership, or a business association that:

(1) receives, for commercial purposes, solid or hazardous waste generated offsite for storage, treatment, processing, or disposal; and

(2) applies for the issuance ~~renewal~~, or transfer or major ~~modification~~ of a permit described in IC 13-15-1-3 other than a post-closure permit or an emergency permit.

(b) "Applicant", for purposes of IC 13-20-2, means an individual, a corporation, a limited liability company, a partnership, or a business association that applies for an original permit for the construction or operation of a landfill.

(c) For purposes of subsection (a), "applicant" does not include an individual, a corporation, a limited liability company, a partnership, or a business association that:

(1) generates solid or hazardous waste; and

(2) stores, treats, processes, or disposes of the solid or hazardous waste at a site that is:

(A) owned by the individual, corporation, partnership, or business association; and

(B) limited to the storage, treatment, processing, or disposal of solid or hazardous waste generated by that individual, corporation, limited liability company, partnership, or business association.

SECTION 2. IC 13-11-2-206 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 206. "Solid waste disposal facility", for purposes of IC 13-19-3-8.2, **IC 13-19-4**, IC 13-20-4, and IC 13-20-6, means a facility at which solid waste is:

(1) deposited on or beneath the surface of the ground as an intended place of final location; or

(2) incinerated.

SECTION 3. IC 13-19-4-1 IS AMENDED TO READ AS

SB 279—LS 6731/DI 52+

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) **Except as provided in section 8(e) of this chapter**, this chapter does not apply to:

- (1) **an applicant for a transfer stations station permit that holds a permit for and continuously operates; or**
 - (2) **the transfer of a permit for a transfer station to an applicant that holds a permit for and is operating;**
- a transfer station, solid waste disposal facility, or hazardous waste facility in Indiana after December 31, 2004.**

(b) **Except as provided in section 8(e) of this chapter**, this chapter does not apply to:

- (1) **an applicant for a permit for a solid waste disposal facility or hazardous waste facility that holds a permit for and continuously operates; or**
 - (2) **the transfer of a permit for a solid waste disposal facility to an applicant that holds a permit for and is operating;**
- a solid waste disposal facility or hazardous waste facility in Indiana after December 31, 2004."**

Page 2, line 20, after "issuance" delete ",".

Page 2, line 20, strike "renewal," and insert "**or**".

Page 2, line 20, after "transfer" delete ",".

Page 2, line 20, strike "or major modification".

Page 2, line 21, strike "described in IC 13-15-1-3".

Page 2, line 21, delete "to control atomic radiation" and insert "**for a solid waste processing facility, solid waste disposal facility, or hazardous waste facility**".

Page 3, delete lines 4 through 42.

Page 4, line 8, after "of" insert "**the entire**".

Page 4, line 8, after "ownership" insert "**interest**".

Page 4, line 9, delete "**to control atomic radiation**".

Page 4, line 11, strike "may" and insert "**shall**".

Page 4, line 17, delete ";" and insert "**submitted under subsection (b);**".

Page 4, line 21, delete ";" and insert "**submitted under subsection (b);**".

Page 4, between lines 26 and 27, begin a new paragraph and insert: "**(e) If :**

(1) **subsection (b) does not apply; and**

(2) **there is a change of at least fifty percent (50%) ownership control of an entity that holds a permit described in IC 13-15-1-3, including an entity referred to in section 1 of this chapter (other than an entity referred to in subsection**

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(a));

the entity must, not later than thirty (30) days after the change of ownership control is completed, submit to the department the disclosure statement referred to in subsection (b).

(f) The commissioner:

(1) shall review the disclosure statement submitted under subsection (e); and

(2) may investigate and verify the information set forth in the disclosure statement.

(g) If the commissioner determines:

(1) that:

(A) the information disclosed by the disclosure statement submitted under subsection (e); and

(B) any investigation by the commissioner;

would require the commissioner to deny an application for a permit described in IC 13-15-1-3 if the entity that submits the disclosure statement were applying for a permit under section 2 of this chapter; or

(2) an entity failed to submit to the department a timely disclosure statement under subsection (e);

the commissioner shall revoke any permit described in IC 13-15-1-3 held by the entity.

SECTION 6. IC 13-20-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter does not apply to an individual, a corporation, a partnership, a **limited liability company**, or a business association that in its regular business activity:

(1) produces solid waste as a byproduct of or incidental to its regular business activity; and

(2) disposes of the solid waste at a site that is:

(A) owned by the individual, corporation, partnership, **limited liability company**, or business association; and

(B) limited to use by that individual, corporation, partnership, **limited liability company**, or business association for the disposal of solid waste produced by:

(i) that individual, corporation, partnership, **limited liability company**, or business association; or

(ii) a subsidiary of an entity referred to in item (i).

SECTION 7. IC 13-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person that applies for a permit described in ~~IC 13-15-1-3~~ that concerns a **solid waste management facility for a solid waste disposal facility** must demonstrate that there is a local or regional need in Indiana for the

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facility.

SECTION 8. IC 13-20-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. A person that applies for a permit referred to in section 2 of this chapter must submit the following information to the department along with the permit application:

- (1) A description of the area that would be served by the solid waste **management disposal** facility.
- (2) A description of existing solid waste management facilities in the area that would be served by the solid waste **management disposal** facility.
- (3) A description of the need that would be fulfilled by constructing the solid waste **management disposal** facility.

SECTION 9. IC 13-20-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. If the department determines that there is not a local or regional need in Indiana for the solid waste **management disposal** facility, the person referred to in section 2 of this chapter may not receive a permit described under IC 13-15-1-3 of this chapter. If a permit is denied under this ~~subsection;~~ **section**, the department must provide the person referred to in section 2 of this chapter with a statement describing the reasons the department denied the permit.

SECTION 11. IC 13-20-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) This section applies to the transportation of municipal waste from solid waste processing facilities.

(b) A shipment of municipal waste in a municipal waste collection and transportation vehicle must be accompanied by a municipal waste transportation manifest.

(c) A manifest required under subsection (b) must include the following information:

- (1) The amount in tons of municipal waste transported in the vehicle.
- (2) The name and address of the solid waste processing facility from which the municipal waste is transported.
- (3) The destination of the municipal waste.
- (4) The name of the person transporting the municipal waste.
- (5) ~~If the municipal waste is transported from a transfer station that receives municipal waste, the identity of and acknowledgement number issued by the department under IC 13-20-6-5 or IC 13-7-10.5-14 (before its repeal) to the following:~~

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- ~~(A) The transporter of the municipal waste.~~
- ~~(B) The transfer station from which the municipal waste is transported.~~
- ~~(C) A broker involved in the transportation of the municipal waste.~~

(d) The owner or operator of the solid waste processing facility from which municipal waste is to be transported shall:

- (1) prepare the manifest required by subsection (b); and
- (2) deliver the manifest to the operator of the vehicle.

(e) The operator of the vehicle shall:

- (1) carry the manifest while transporting the municipal waste; and
- (2) present the manifest to the owner or operator of the facility to which the municipal waste is transported.

(f) The owner or operator of the facility to which the municipal waste is transported shall:

- (1) retain each manifest for one (1) year; and
- (2) send one (1) copy of each manifest to the department not later than three (3) months after receiving a manifest for at least one (1) year.

SECTION 12. IC 13-20-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The commissioner may, by order, do the following:

- (1) Suspend the waste transfer activities of an operator who is not a resident of Indiana if the operator is not properly licensed, certified, or permitted to conduct waste transfer activities in another state in which the operator does business.
- (2) Suspend the waste transfer activities of a transfer station that does not meet the requirements of the inspection program established under section 7 of this chapter.

(b) An order issued by the commissioner under this section requiring an operator or transfer station to suspend operations must contain the date by which waste transfer activities must be suspended.

(c) After issuing an order requiring an operator or transfer station to suspend waste transfer activities but before the date by which the activities must be suspended, the department must provide notice by certified mail, return receipt requested, to the following:

- (1) Each regulated solid waste processing facility in Indiana.
- (2) Each regulated solid waste disposal facility in Indiana.
- ~~(3) Each broker and transporter that has submitted a disclosure statement under section 2 of this chapter.~~

(d) The notice described under subsection (c) must contain the following:

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- (1) The name of the operator or transfer station subject to the order.
- (2) The date on which waste transfer activities are suspended under the order.
- ~~(3) The acknowledgement number issued to the operator under section 5 of this chapter.~~
- ~~(4)~~ (3) If the order applies to a transfer station, the location of the transfer station.

(e) Upon a determination by the commissioner that an operator previously ordered to suspend waste transfer activities may engage again in waste transfer activities, the department shall immediately provide notice by certified mail, return receipt requested, to each:

- (1) regulated solid waste processing facility in Indiana; **and**
- (2) regulated solid waste disposal facility in Indiana; **and**
- ~~(3) broker and transporter that submitted a disclosure statement under section 2 of this chapter;~~

that the operator or transfer station will be allowed to resume waste transfer activities. The notice required under this subsection must contain the date on which the operator or transfer station will be allowed to resume waste transfer activities

SECTION 13. IC 13-20-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) An operator who is not a resident of Indiana or a transfer station may not engage in waste transfer activities while the operator or transfer station is suspended from engaging in waste transfer activities under section ~~3~~ **or** 4 of this chapter.

(b) On or after the effective date established under a rule adopted by the board, a solid waste disposal facility or a solid waste processing facility located inside Indiana may not knowingly accept municipal waste from a transfer station located inside of or outside of Indiana that receives municipal waste if:

- (1) the municipal waste is not accompanied by a manifest that contains the information required under IC 13-20-4-7; or
- (2) the person who manages the solid waste disposal facility or solid waste processing facility has received notice under section 4(c) of this chapter that:
 - (A) the transfer station that shipped the municipal waste; or
 - (B) an operator listed on the manifest;

has been suspended from engaging in waste transfer activities under this chapter.

SECTION 14. [EFFECTIVE JULY 1, 2005] **(a) For purposes of this SECTION:**

SB 279—LS 6731/DI 52+



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(1) "incinerator" has the meaning set forth in IC 13-11-2-106;
and

(2) "solid waste processing facility" has the meaning set forth
in IC 13-11-2-212.

(b) 329 IAC 11-9-5 is void to the extent that the rule applies to
solid waste processing facilities, except incinerators.

(c) The solid waste management board shall amend 329
IAC 11-9-5 so that the rule is consistent with subsection (b).".

Page 4, delete lines 27 through 42.

Delete page 5.

Page 6, delete lines 1 through 34.

Page 6, line 36, delete "IC 13-20-1." and insert "IC 13-20-6-2;
IC 13-20-6-3; IC 13-20-6-5; IC 13-20-6-6.".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 279 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 2.

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SENATE MOTION

Madam President: I move that Senate Bill 279 be amended to read as follows:

Page 2, between lines 16 and 17, begin a new paragraph and insert:
 "SECTION 3. IC 13-11-2-212 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 212. (a) "Solid waste processing facility", for purposes of IC 13-19-3-8.2, **IC 13-19-4, IC 13-20-1**, IC 13-20-4, and IC 13-20-6, means a facility at which at least one (1) of the following is located:

- (1) A solid waste incinerator.
- (2) A transfer station.
- (3) A solid waste baler.
- (4) A solid waste shredder.
- (5) A resource recovery system.
- (6) A composting facility.
- (7) A garbage grinding system.
- (8) A medical or an infectious waste treatment facility.**
- (9) A solid waste solidification facility that is not located on a landfill.**
- (10) A facility that uses plasma arc or another source of heat to treat solid waste.**

(b) The term does not include a facility or operation that generates solid waste."

Page 5, line 13, after "disposal facility" insert "**or a solid waste processing facility, except a transfer station,**".

Re-number all SECTIONS consecutively.

(Reference is to SB 279 as printed February 23, 2005.)

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